

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Sericulture Department – Disciplinary proceedings initiated against Sri S. Narasimha Reddy, formerly Deputy Director of Sericulture(now retired), Hyderabad for certain allegations of financial irregularities, supervisory lapses, etc. – Further action dropped – Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 435

Dated: 03-04-2010

Read the following:-

1. Charge Memo No.6242/2003/B1-B, dt.01-01-2005 of the CoS, Hyderabad.
2. Govt.Memo No.18617/Vig.II(2)/2003-4, dt..04-05-2005.
3. From CoS, Hyd. Lr.No.6242/2003-B1A, dt.31-12-2007 of CoS, Hyderabad.
4. GORt.No.222, Agri. & Coop.(Vig.II)Dept., dt.22-02-2008.
5. From Sri S. Narasimha Reddy, D.D.S., Written statement of defence, dt.31-10-2008.
6. GORt.No.1595, Agri. & Coop.(Vig.II)Dept.,dt.18-12-2008.
7. Inquiry Report dt.31-01-2008 of the Addl.DoS & Inquiry Officer.
8. Govt.Memo No.18617/Vig.II(2)/2003-11, dt.07-03-2009.
9. Govt.Memo No.18617/Vig.II(2)/2003-12, dt.22-05-2009.
10. Govt.Memo No.18617/Vig.II(2)/2003-13, dt.27-11-2009.
11. From Sri S. Narasimha Reddy, D.D.S.(Retired), Representation, dt.08-03-2010.

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ORDER:

During the year 2005, the Commissioner of Sericulture, Hyderabad had served charges on Sri S. Narasimha Reddy, Deputy Director of Sericulture, Hyderabad, based on a representation from one Sri C. Naveen Kumar, alleging certain irregularities. However, the Commissioner of Sericulture has mentioned that based on an inspection report, he framed charges and served on the Charged Officer and furnished a compliance report. As the post of Charged Officer is a third gazetted and the Commissioner of Sericulture is not the competent authority to initiate disciplinary proceedings, Government have requested the Commissioner of Sericulture to send draft charges to Government in order to serve the same on the Charged Officer. Accordingly, the Commissioner of Sericulture, Hyderabad furnished the draft article of charges against Sri S. Narasimha Reddy, Deputy Director of Sericulture, Hyderabad.

2. In the reference 4th read above, Government initiated disciplinary proceedings by framing four(4) charges consisting of many allegations based on the inspection report against Sri S. Narasimha Reddy, Deputy Director of Sericulture, Hyderabad.

3. The Charged Officer has submitted his written statement of defence denying the charges framed against him. As the written statement of defence was not accepted, Government appointed the Additional Director of Sericulture as Inquiry Officer to conduct a regular inquiry into the charges framed against the Charged Officer Sri S. Narasimha Reddy, Deputy Director of Sericulture, Hyderabad vide reference 6th read above.

4. In the reference 7th read above, the Additional .Director of Sericulture as Inquiry Officer has submitted the Inquiry Report concluding that all four (4) charges were held not repeat not proved against the Charged Officer.

5. The details of the charges, which are based on common allegation of 'slack supervision', are given in as nut shell along with the explanation and findings of the Inquiry Officer as follows:-

Charge-1:

- a) He failed to supervise the lapses in LTC bill of one Mr. Ramulu, who has not produced ticket for an amount of Rs.280/-;
- b) Distribution of 375 litres of Chlorine-Di-Oxide to beneficiaries was not implemented properly and lapse is not brought to the notice of superiors;
- c) He failed to advise properly to the subordinates about the construction of rearing sheds which resulted in several defects and insubordination of the instructions of Commissioner of Sericulture.

(PTO)

Explanation:

The balance amount of Rs.280/- towards LTC availed by Mr. Ramulu was remitted through Challan No.7584 dt.20-03-2004. The mistake is attributable to the concerned Assistant Director of Sericulture - his immediate junior officer who has sanctioned LTC to the staff.

Distribution of Chlorine-Di-Oxide was done by the Assistant Director of Sericulture and the entire quantity was distributed on different dates. The inspection team has conducted inspection only for 2 days and has not covered several records and the rectification of lapses at later dates was not taken into account.

Regarding the sheds, he has issued instructions to the Assistant Director of Sericulture and other lower staff by conducting review meetings to implement the scheme in terms of the guidelines issued by the Commissioner of Sericulture. Thus, the Charged Officer has contended that the petty lapses are minor and merely minor procedural deviations which were later rectified. Moreover, he is not directly responsible for the lapses.

Findings of Inquiry Officer:

The Charged Officer is not responsible for the lapses as the LTC was sanctioned by Assistant Director of Sericulture. The individual Sri Ramulu has absconded from duty after availing LTC and disciplinary proceedings were initiated against him and finally he was dismissed from service. Therefore, the Charged Officer is no way concerned with the said lapses. The distribution of Chlorine-Di-Oxide was done by Assistant Director of Sericulture and the stock register etc. were produced by the representatives of Assistant Director of Sericulture at the time of inspection. Hence Deputy Director of Sericulture is not responsible for any lapses in this case. Thus, Charge No.1 was held not proved.

Charge-2:

- a) The Charged Officer has failed to notice financial irregularities occurred in the office of the Assistant Director and thus he being a supervising officer, he failed in his duty;
- b) The distribution of subsidies to farmers for construction of sheds etc was done erratically and failure in collecting receipts etc were not pointed out by the Charged Officer during review meetings held by Deputy Director of Sericulture..

Explanation:

The Deputy Director of Sericulture has visited the villages regularly and took all possible steps to make Erra Valley Women Groups into functional unit. The women group has successfully completed mulberry plantations but some of the farmers in other areas could not succeed due to severe drought conditions. With great difficulty, the Deputy Director could recover an amount of Rs.1,250/- from the farmers. There are no lapses in this regard.

Findings of Inquiry Officer:

As per the record available, the Charged Officer has conducted periodical review meetings and necessary instructions, advice etc were given to his junior officers. The beneficiaries were given sanction with the prior approval of the District Collector, Chairman, DLS and instructions of Commissioner. Due to poor economic status of farmers, the construction work of sheds was prolonged and the Charged Officer is not responsible for any lapses. There are no supervisory lapses but a minor procedural, i.e., the norms of the sheds, which are negligible and were magnified without any evidence. Thus, he is not responsible for the said lapses. This Charge also could not be proved.

Charge-3:

Supervisory lapses in Medak district. Though, the Charged Officer visited the district a number of times, and conducted review meetings, the purpose was not served. He has not monitored the utilization of huge amount of Rs.7,07,929/- sanctioned under annual plan CDP/SDF schemes for Medak District.

Explanation:

The Charged Officer has denied this charge, which is completely false and baseless. The amounts were distributed at different intervals by the Assistant Director of Sericulture who is drawing and disbursing officer and the same was utilized towards various schemes for different purposes such as drip irrigation, productivity clubs under Indo Swiss Project 2000, construction of sheds etc. The Charged Officer has regularly visited the field and conducted review meetings as mentioned in the charge itself, with Joint Directors, Assistant Director of Sericulture and TSC in-charges according to the guidelines issued by Commissioner of Sericulture. In this regard, the Commissioner of Sericulture has given detailed report which is examined in the enquiry report. The Charged Officer has also produced necessary records along with the dates and office references. Therefore, he pleaded to drop this charge as he is not responsible for the said lapse.

Findings of Inquiry Officer:

The Deputy Director has verified records perfectly during his inspections. There are no lapses on the part of Charged Officer. But other officers who are responsible for the lapses as pointed out by the Charged Officer during inspection i.e., the drawing and disbursing officers and other lower staff are responsible. In fact, disciplinary action was initiated against the Sericulture Officer Sri V. Rami Reddy. The allegations are one and the same as reflected in this enquiry report. Thus, the Charged Officer is not responsible for the lapses.

Charge-4:

The Charged Officer has failed to supervise the O/o Assistant Director of Sericulture, Shadnagar effectively, purposefully and periodically resulting in procedural and avoidable financial irregularities. This charge has been augmented into as many as 12 sub charges according to the inspection report and record wise information as detailed below:-

- a) Drawing of amounts from Treasury at different spells towards repairs for motor vehicles. This includes 4 cases of payment made to the different motor vehicles;
- b) The Charged Officer has not noticed the amounts drawn by Assistant Director of Sericulture towards LTC bills of his subordinates and failed to initiate disciplinary action;
- c) The construction of sheds were not done by farmers according to the norms stipulated;
- d) No cash books were maintained for Government grainage at Shadnagar. Subsidy amounts was not incurred in full and failed to return the balance to D.R.D.A.;
- e) The performance of Seed farm was bad at Kammadanam. The maintenance of Mulberry garden is not satisfactory;
- f) The H.B.Advance of Rs.90,000/- which was drawn but not disbursed to the individual;
- g) The balance amount of productivity club under TSC, Gadwal was not used and the amount was not returned on time;
- h) Registers and ledgers of loans and advances, cheque payment, log book are not maintained properly;
- i) Poor quality of the rearing equipments were purchased;
- j) Agreement bonds and stamped receipts were not obtained from beneficiaries;
- k) The Charged Officer has failed to supervise the fact that whether the amounts sanctioned to Assistant Director are fully utilized.

Explanation:

The Charged Officer has noticed the lapses of drawing amounts towards repair charges of motor vehicles and submitted a report to Regional Joint Director and Commissioner of Sericulture. In this regard, the Regional Joint Director conducted preliminary enquiry and sent a report to Commissioner of Sericulture vide his letter No. E1/59/2003 dated 16.2.2004. Thus, he acted promptly on the reported lapses. Drawing of the amounts at different dates was done by the Assistant Director of Sericulture, who is the drawing and disbursing officer. He effected the entire transactions, fully knowing the fact the Joint Director of Sericulture in his inspection report has unnecessarily dragged his name in the said transaction which is not correct.

There is evidence that the balance amounts of subsidy was recovered and remitted to grainage account. The charges are false and framed without verifying all the records. The Charged Officer has explained that he has always maintained cash books, registers etc, and although his predecessor have not maintained these registers, the Charged Officer has rectified several lapses and returned the balance amounts to D.R.D.A.. He also produced necessary evidences to this effect at the time of enquiry.

Findings of Inquiry Officer:

After examining the defence statement, the Charged Officer and the inspection report, it is found that the Charged Officer cannot be held responsible for his supervisory lapse leaving the immediate junior officer who was also the drawing and disbursing officer. The LTC claims etc were not submitted to him although he is the countersigning authority but signed by the Assistant Director of Sericulture, Shadnagar. The Sericulture was a new concept for the State of Andhra Pradesh. There would have been some teething problems in the initial stages. The farmers are not always following the advice of the officers and they have their own priorities. At the time of inspection by Joint Director(M), the outstanding dues found with regard to cost of CBDFLs was subsequently has been recovered and remitted to the government account.

(PTO)

The DFLs were supplied to Government P1 FR Seed Farm, Kotra of Mahaboobnagar District and P1 FR GSF, Dulapalli, Rangareddy District, keeping in view the demand prevailed at that time. 57,500 saplings were planted though there was limited water source but generated income. Hence, this charge is held not proved.

6. The explanations submitted by the Charged Officer are reasonably convincing that due to drought condition prevailed and the poor financial condition of the farmers, the achievement was not up to the mark. Relevant records are verified and found that the Charged Officer is not responsible for the lapses as pointed out in the inspection report. Thus, the Inquiry Officer could not substantiate any charges against the Charged Officer and therefore, recommended for dropping the charges. However, his enquiry report was not accepted by the Commissioner of Sericulture and sent proposal to Government for appointing another Inquiry Officer to conduct further enquiry into the charges.

7. The Charged Officer has already retired from services w.e.f. 31.1.09 and his terminal benefits were withheld except 75% of the provisional pension. He has appealed to the Government in his representation that his genuine demand to peruse the records was rejected and that although the detailed enquiry was held and the report was not Communicated to him. Instead, a second enquiry was ordered which is unfair towards a retired officer. The Joint Director of Sericulture Sri B. Chandrasekhar working in the office of the Commissioner of Sericulture has bore grudge against him and invented things for which he is not responsible. As per the rule 21(2) of A.P.C.S.(CCA) Rules, the disagreement with the enquiry report by the disciplinary authority should be effected based on the sufficient evidence available on the record for such disagreement and the same should be recorded in the Government communication. This has not been done while calling for further enquiry. Although five (5) years have elapsed from the date of issuance of charge memo, for the instances taken place a decade ago, his case is being prolonged without any objective material on record. In view of this, the Charged Officer has pleaded to accept the enquiry report submitted by the Inquiry Officer and drop further enquiry and justice may be done in his case. He has requested to release full pensionary benefits which were withheld for more than one year since his retirement.

8. As seen from the records and inquiry report along with the explanations, evidences furnished by the Charged Officer, the charges in question are petty in nature, unnecessarily magnified for which the Charged Officer is not responsible. Some of the charges are superficial and repetitions of the same charges split into several points. The Charged Officer is not directly involved in any of the lapses as pointed out in inspection report. In fact, he conducted review meetings and maintained all the records meticulously. He never failed in implementing the instructions and guidelines issued by Commissioner of Sericulture, Hyderabad. Over all observations of the Government are as follows:-.

- i) Each charge has been inquired. Not a single charge stand proved. Inquiry Officer has conducted in-depth inquiry;
- ii) Then, Inquiry Officer has finally recommended to drop all the charges based on his in-depth inquiry. In the meantime, the Charged Officer has retired from service on 31-01-2009 – more than one year ago;
- iii) And now, a second inquiry has been ordered. There is just no objective material available on record to warrant this course of action. The matter has been dragging on for more than five (5) years. Inquiry Officer has absolved the Charged Officer of each one of the charges. Now, Charged Officer has also retired some one year ago;
- iv) In the circumstances, the most appropriate and balanced course of action would be to accept the Inquiry Officer's report in toto. With that, the charged officer would stand absolved of any disciplinary case;
- v) That being so, all terminal benefits should be released for which he is entitled to at the time of retirement. His pension is withheld to an extent of 25%. Therefore, his entire pension up to 100% should be released with full payment of arrears which were withheld hitherto.

9. In the entire ultimate analysis, Government have firmly decided to drop further action against Sri S. Narasimha Reddy. Deputy Director of Sericulture (Retired), Hyderabad. Therefore, the orders issued in reference 10th read above for further inquiry stands cancelled.

10. Accordingly, Government hereby drop all further actions against Sri S. Narasimha Reddy. Deputy Director of Sericulture (Retired), Hyderabad. Therefore, the orders issued in reference 10th read above for further inquiry stands cancelled. All the terminal benefits shall be released to him. He shall also be given 100% pension along with all accumulated pension arrears due to him.

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11. The Commissioner of Sericulture, A.P., Hyderabad shall take necessary action in the matter, accordingly and report compliance.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K. GOEL

A.P.C. & SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri S. Narasimha Reddy. Deputy Director of Sericulture (Retired), Hyderabad
(Through: The Commissioner of Sericulture, A.P., Hyderabad)

Copy to:-

The Commissioner of Sericulture, A.P., Hyderabad.

Sri B. Chandra Sekhar, Additional Director of Sericulture & Inquiry Officer

Sri B. Konam Raju, Joint Director of Sericulture & Presenting Officer,
Visakhapatnam.

(Through : The Commissioner of Sericulture, A.P., Hyderabad)

Sc/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER